IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 7353 of 2007(S)

AGAINST THE ORDER IN EP.79/2005 IN
OP.367/1999 of FAMILY COURT, MANJERI
.....

PETITIONER:

KORATH THADATHIL ABDUL RAHIMAN,
AGED 50 YEARS, S/O.ABDUL KHADER,
KUTTIPPURAM AMSOM, DESOM,
TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:

ATHIPARAMBATHU SAUTHA, AGED 47 YEARS,
D/O.THAMI, PANG AMSOM, DESOM,
PERINTHALMANNA TALUK,
MALAPPURAM DIST.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/03/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.

W.P.C. NO. 7353 OF 2007

Dated this the 5th day of March, 2007

J U D G M E N T

P.R.Raman, J.

The limited prayer made in this writ petition is for a direction to the Family Court, Manjeri to issue the petitioner a certified copy in E.A.No.63/06 in E.P.No.79/05 in O.P.No. 367/1999 dated 1/3/07 within a stipulated time and for stay of all further proceedings in E.P.No.79/2005 till then.

2. The petitioner is a third party, who claimed the property as belonging to him and sought to lift attachment. It was eventually dismissed by the Family Court. But before he could work out his remedies, proceedings in E.P.No.79/05 is being continued and the property is scheduled to be delivered on 6/3/07. It was under these circumstances, that the petitioner has approached this court by filing this writ petition.

3. In the view we are taking, it is not necessary to issue notice to the other parties. Since the prayer made in this writ petition is very limited, we consider it only appropriate that the

petitioner should be issued with a certified copy of the order in E.A.No.63/06 in E.P.79/05 in O.P.No.367/99 and for that purpose, we issue the following directions.

4. There will be a direction to the Family Court, Manjeri to issue certified copy of the order in E.A.No.63/06 in E.P.79/05 in O.P.No.367/99, as expeditiously as possible, at any rate within a period of two weeks from today. Further proceedings in E.P.79/05, for the delivery of the property will stand stayed for three weeks. However, the petitioner shall not create any encumbrance on the property.

Writ petition is disposed of with the above direction.

P.R.RAMAN, JUDGE

ANTONY DOMINIC, JUDGE

Rp